

\*\*E-filed 7/5/06\*\*

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15 Attorneys for Plaintiff and Specially-Appearing  
 16 Counter-Defendant M. DIANE KOKEN

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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

M. DIANE KOKEN,

Plaintiff,

v.

STATECO INC. d/b/a STATECO INSURANCE  
 SERVICES and THOMAS NATOLI, and XYZ  
 CORPS. 1-10, and DOES 1 through 10, inclusive,

Defendants.

AND RELATED CROSS-ACTION

Case No.: 3:05-CV-03007-JF

**THIRD STIPULATION AND  
 [PROPOSED] ORDER  
 EXTENDING PLAINTIFF AND  
 SPECIALLY-APPEARING  
 COUNTER-DEFENDANT M.  
 DIANE KOKEN'S TIME TO  
 RESPOND TO AMENDED  
 COUNTERCLAIM**

Defendants and Counter-Claimants Stateco Inc., doing business as Stateco  
 Insurance Services, and Thomas Natoli (collectively "Stateco") and Plaintiff and  
 specially-appearing Counter-Defendant M. Diane Koken, ("Koken") by and through their  
 undersigned counsel, hereby stipulate as follows:

1. WHEREAS on April 24, 2006, Mutual Indemnity Ltd., Mutual Indemnity  
 (Bermuda) LTD., Mutual Indemnity (Barbados) LTD., Mutual Indemnity (US) LTD.,  
 Mutual Indemnity (Dublin) LTD., and Mutual Holdings (Bermuda) LTD., (collectively the  
 "Mutual Companies") filed a motion to dismiss Stateco's third party complaint.

1       2. WHEREAS Stateco filed an amended counterclaim against Koken on  
2 May 2, 2006;

3       3. WHEREAS Koken and Stateco previously stipulated to extend the time for  
4 Koken to respond to the amended counterclaim so as to first permit the Court to rule on  
5 the Mutual Companies' motion to dismiss Stateco's third party complaint;

6       4. WHEREAS on June 26, 2006, the Court granted Stateco's request to  
7 amend its third party complaint and did not rule on the Mutual Companies' motion to  
8 dismiss;

9       5. WHEREAS Stateco wishes to continue settlement negotiations with Koken  
10 following the resolution of the Mutual Companies' motion to dismiss Stateco's third party  
11 complaint;

12       6. WHEREAS the extension requested by Koken will not affect any court-  
13 ordered deadlines; and

14       7. WHEREAS Koken may appear to file this stipulation without prejudice to  
15 any motion to dismiss it may choose to file;

16       IT IS PROPOSED AND STIPULATED:

17       The date set for Koken to respond to Stateco's amended counterclaim will be  
18 extended from July 7, 2006 to 20 days following the Court's ruling on the Mutual  
19 Defendants' motion to dismiss.

20       IT IS SO STIPULATED.

22 DATED: June 30, 2006

BERLINER COHEN

24 By Laura Palazzolo  
25 Laura Palazzolo

26 Attorneys for Defendants and Counter-  
27 Claimants STATECO INC., dba STATECO  
28 INSURANCE SERVICES and THOMAS  
NATOLI

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1 DATED: June 29 2006

2 MORGENSTEIN & JUBELIRER LLP

3 By A. Leight

4 Adrienne S. Leight  
5 Attorneys for Plaintiff and Specially  
6 Appearing Counter-Defendant M. DIANE  
7 KOKEN

8  
9 IT IS SO ORDERED

10 DATED: July 5, 2006

11 By J. Fogel

12 Adrienne S. Leight  
13 Attorneys for Plaintiff and Specially  
14 Appearing Counter-Defendant M. DIANE  
15 KOKEN

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